

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

<b>United States District Court</b>		District <u>Massachusetts, Springfield, MA</u>
Name (under which you were convicted): <u>Ronald Steve Brown</u>		Docket or Case No.: <u>3:14CR30027-01-MGM</u>
Place of Confinement: <u>FCC Hampden</u>	Prisoner No.: <u>94953-038</u>	
UNITED STATES OF AMERICA		Movant (include name under which convicted) <u>V. Ronald Steve Brown</u>

**MOTION**

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

District of Massachusetts, Springfield Division

(b) Criminal docket or case number (if you know): 3:14CR30027-001-MGM

2. (a) Date of the judgment of conviction (if you know): 24 August 2016

(b) Date of sentencing: 15 August 2016

3. Length of sentence: 180 months

4. Nature of crime (all counts):

"COUNT 7" 18 USC § 2243(b), 2260A Interstate travel for the purpose of engaging in illicit sexual conduct with a minor

"COUNT 9" 18 USC § 2252(a)(4)(B), § 2252(b)(7) Possession of material involving the sexual exploitation of minors

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one) N/A Jury ☐ Judge only ☐
7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☒
8. Did you appeal from the judgment of conviction? Yes ☐ No ☒

9. If you did appeal, answer the following:

N/A

- (a) Name of court: \_\_\_\_\_  
(b) Docket or case number (if you know): \_\_\_\_\_  
(c) Result: \_\_\_\_\_  
(d) Date of result (if you know): \_\_\_\_\_  
(e) Citation to the case (if you know): \_\_\_\_\_  
(f) Grounds raised: \_\_\_\_\_

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): \_\_\_\_\_  
(2) Result: \_\_\_\_\_  
(3) Date of result (if you know): \_\_\_\_\_  
(4) Citation to the case (if you know): \_\_\_\_\_  
(5) Grounds raised: \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

N/A

- (a) (1) Name of court: \_\_\_\_\_  
(2) Docket or case number (if you know): \_\_\_\_\_  
(3) Date of filing (if you know): \_\_\_\_\_  
(4) Nature of the proceeding: \_\_\_\_\_  
(5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket of case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: \_\_\_\_\_

12.

For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** ATTORNEY HORT HEVINSON presented me a plea deal in April 2014 that expired 1/31/14

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

In January 2014 (mid/late) attorney hevinson presented me with a plea offer of 120-240 months on all 9 counts of indictment. Document was dated 1/6/14 with an "expiration date" of 1/31/14. I declined the offer and signed the attached 5-yr Document.

In April 2014 Attorney hevinson appeared at Wyatt with another offer for me. This offer was for counts 7 & 9 only, 120-240 months (10-17 1/2 years) with 10 years probation. I intended to accept this offer, until I noticed the dates of the offer from AUSA Breslow, offer submitted to Attorney hevinson on 1/13/14. ~~offer~~ offer valid only until 1/31/14 yet Attorney hevinson did not present it to me until April 2014. When Attorney hevinson was replaced by Attorney Sings, AUSA gave him the 1/13/14 offer as an "example" yet refused to re-offer this.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue? *N/A*

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application? *N/A*

Yes ☐ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND TWO:** Attorney hevinson specifically told me she did not need to be present during initial probation screening interview. Asked her to be there - she was too busy. I later learned that not only I am entitled to be represented at this interview it is inappropriate for her to say she could not be there due to schedule issues. This interview was biased and took statements I made ~~and~~ (positive, supportive) and twisted for the report to use against me because I had not had representation/witness and in court on 2/5/13 Attorney hevinson was ill-prepared, had not prior to hearing gone over it with me and gave incorrect information due to lack of her knowledge/preparation.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒

No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

**GROUND THREE:**

Attorney hevinson arranged an FBI polygraph for me at Franklin County House of Correction - she did not supervise this.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

In March 2013 hevinson scheduled the FBI to give me a polygraph at the Franklin County Jail. That day the polygraph examiner, AUSA Breslow, FBI Agent and hevinson were present. Breslow, agent and examiner stated she could not be present during the test. I requested it be recorded - I was informed it was impossible.

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Grand #3 continued

gave him a full confession of the instant offense as well as dozens of other offenses he "knew" I'd committed. He told me he had documented proof of many instances over my entire life where I had molested young children.

I insisted he cease and demanded my lawyer. He ignored me and continued harranguing. I told him a second time I wanted my attorney. He outright refusal told me ~~that~~ she was no use to me, only he could help me. - only if I confessed to the instant offense and the others he alleged.

Finally I tried to get up. He refused me. On my 3<sup>rd</sup> request for attorney he released me. Told me he'd see me again - putting me away for good.

Attorney Lewinson always said if we received a negative result she would arrange an independent test. I explained

why I had "failed" 2 of 10 questions according to examiner.

She promised to (A) schedule the independent test

I told Levinson I was VERY uncomfortable with this and wanted to cancel. She "encouraged" - insisted I take the test saying it could only help me. After test examiner told me I had failed. ATTITUDE change by him. He got in front of me - put his hands on the arms of my chair and got "face to face" with me. Began screaming at me that I was a vicious, heinous predator and ~~he would~~ He would put me away forever unless I (continued on extra page)

(b) **Direct Appeal of Ground Three:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

- (2) If you did not raise this issue in your direct appeal, explain why:

(c) **Post-Conviction Proceedings:**

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

- (6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_



(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND FOUR:**

Attorney hevinson was ill-prepared at hearings of 2/1/13, 2/5/13, 7/1/13 and deny our visits. Did not pursue courses of action.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

hevinson was returned by me 7-10 days prior to arrest and initial Springfield court appearance of 2/1/13. She was aware of case and had spoken ~~on~~ ~~phone~~ by telephone and possibly emailed AUSA at various times, including 1/31/13.

hevinson was not prepared for any of these appearances - or later ones. She gave faulty information despite my presence attempting to correct her. She refused to let me speak to Magistrate hevinson when he or AUSA had "incorrect/faulty" information and refused to speak up herself or adequately defend me. She failed to obtain information I requested, to provide me with discovery and other documents I requested and pursue anything I requested.

**(b) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

Grounds 2, 3, 4 were not presented - but I was told to present them as additional grounds in addition to "ground 1" by Attorney Sinns. He attempted to have AUSA Breslaw present me with the proffer of 1/13/14 explaining why I never responded to it in any way (including no Frye document) but AUSA Breslaw refused, Attorney Sinns believed this was my "best" option

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:

(a) At the preliminary hearing:

Attorney Ken Heinson 500 Main Street, Gt. Barrington, MA

(b) At the arraignment and plea: (initial "not guilty" plea)

Attorney Ken Heinson, 500 Main St. Gt. Barrington, MA

(c) At the trial:

no trial

(d) At sentencing:

(and changed plea) (Represented me Fall 2014 thru sentencing)  
Attorney Stello Sinis, 5<sup>th</sup> Floor, 51 Sleeper St, Boston, MA

(e) On appeal:

None

(f) In any post-conviction proceeding:

None

(g) On appeal from any ruling against you in a post-conviction proceeding:

None

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: \_\_\_\_\_

(c) Give the length of the other sentence: \_\_\_\_\_

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

Sentencing 15 August 2015  
Final judgement/commitment 24 August 2015  
Today's Date: Sun, 4 June 2016

Please note! at this time, I do not have access to discovery or transcripts which I have previously marked in support of some of her lack of preparedness in court. ~~IF~~ When the court opens this case, I will then have access. I apologize for this and will do my best as soon as I can. Thank you very much

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief: Either revise my current sentence of commitment to 120 months, or grant a sentence hearing allowing the 120 month to 240 month offer  
or any other relief to which movant may be entitled.

none

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on Wednesday, 7 June 2017  
(month, date, year)

Executed (signed) on Wednesday 7 June 2017 (date)

Rald Stankovic  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.